

ARTICLE IX
PLANNED HEALTHCARE DISTRICT

SECTION 901 PLANNED HEALTHCARE DISTRICT (“HC”)

A. PURPOSE

The purpose of the HC District is to provide for the planned and orderly development of major medical-related uses. The HC District requires Planning Commission approval of a detailed site plan to ensure compatibility with surrounding neighborhoods.

The nature, size, scale or intensity of a proposed uses may cause a particular site not to be suitable for a specific HC proposal. Therefore, there is no general presumption that an application for such a use at a particular location is valid, inures to the general benefit of the Town, is compatible with surrounding uses or is in compliance with the Town’s Comprehensive Plan. Instead, each application will be evaluated according to its particular location and the degree to which the developer is willing or able to propose a development plan which ameliorates any adverse impacts and furthers the goals and objectives of this Section and the Ordinance generally.

B. LOCATION

The HC District is a floating zone and may be established anywhere within the Town limits provided the requirements of this subsection are satisfied.

C. PRINCIPAL PERMITTED USES

Residential Uses

- (1) Domiciliary Care

Commercial Uses

- (1) Health Care Facilities related to Hospital Operations
- (2) Medical Office Park

Institutional Uses

- (1) Hospitals
- (2) Nursing Homes
- (3) Public Utilities
- (4) Retirement Communities

Recreational/Entertainment Uses

- (1) None

Industrial Uses

- (1) None

Miscellaneous Uses

- (2) None

In addition, uses which are permitted in the underlying zoning district shall be permitted in the HC District.

D. USES PERMITTED BY SPECIAL EXCEPTION

Uses which are permitted in the underlying zoning district by special exception shall be permitted in a HC District provided that such uses are specifically authorized by the ordinance establishing the HC District or, in the case of a pre-existing HC District, such uses are approved by the Board of Appeals pursuant to the provisions of Section 1303 of this Ordinance.

E. USES PERMITTED WITH A TEMPORARY USE PERMIT

None

F. PERMITTED ACCESSORY USES AND STRUCTURES

In order to provide certain goods and services, the following uses and structures are permitted only as an accessory use. These uses must clearly be incidental to one of the permitted uses listed above and may in no circumstances be permitted in the absence of such use(s).

Residential Uses

- (1) Single Family Dwellings, Detached
- (2) Multifamily Dwellings
- (3) Duplexes

Commercial Uses

- (1) Banks, (But not Brokers, and Other Financial Institutions)
- (2) Convenience Stores (Subject to Supplemental Use Standards; See Section 1008)
- (3) Drug Stores
- (4) Florist Shops
- (5) Gift Shops
- (6) Laundromats
- (7) Medical Services including physicians offices, opticians, chiropractors, clinics, medical laboratories, etc.
- (8) Newspaper/Magazine Shops
- (9) Restaurant, Sit-Down
- (10) Personal Services such as shoe repairs, beauty parlors, etc.

1 Institutional Uses

- 2 (1) Civic, Service Clubs, and Fraternal Organizations
3 (2) Community Centers or Civic Centers
4 (3) Fire, Rescue, or Police Stations
5 (4) Houses of Worship
6 (5) Libraries
7 (6) Studios for the teaching of art, music, dance, crafts, etc.
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9 Recreational/Entertainment Uses

- 10 (1) Parks and Recreation Areas
11 (2) Theater, Movie House, Cinema - Indoor
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13 Industrial Uses

- 14 (1) None
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16 Miscellaneous Uses

- 17 (1) Recycling Collection Stations
18 (2) Off-street parking lot or structure
19 (3) Off-street loading facility
20 (4) Other accessory uses and structures clearly incidental and
21 customary to and associated with the permitted uses
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23 G. DEVELOPMENT STANDARDS
24

25 The following minimum development standards shall be observed in the HC
26 District:
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- 28 (1) The area proposed to be zoned as HC shall have an area of at least one (1)
29 acre.
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31 (2) The overall residential density for permitted accessory uses shall not
32 exceed eight (8) units per gross residential acre. Residential density for
33 permitted principal uses shall be approved by the Town Council based on
34 site/neighborhood compatibility.
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36 (3) Required parking shall be provided in accordance with Section 1001 of
37 this Ordinance.
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39 (4) For any HC development, Common Open Space shall comprise not less
40 than twenty (20%) percent of the total gross area. Such space shall
41 include land area to be developed as recreational areas or which is
42 designated for the common use of all occupants of the HC development
43 but shall not include streets, off-street parking areas, incidental landscaped
44 areas within off-street parking areas or utility easements. The Planning
45 Commission must be furnished satisfactory evidence that such open space
46 will be continued and that provision is made for its perpetual maintenance.

- (5) All lots hereafter established shall have a frontage on a public street or way of at least one hundred (100) feet with a depth of at least one hundred (100) feet.
- (6) Minimum setbacks for all uses shall be as follows:
 - a. Front - fifty (50) feet from the property line.
 - b. Side - fifteen (15) feet on each side of the property line (except for fences).
 - c. Rear - twenty (20) feet from the property line (except for fences).
- (7) No principal permitted structure shall exceed fifty (50) feet in height, and no accessory structure shall exceed forty (40) feet in height.
- (8) Lot coverage by all buildings and structures shall not exceed thirty-five (35%) percent of the lot area.
- (9) Outdoor storage is prohibited.
- (10) All areas not devoted to buildings or parking areas shall be landscaped and maintained in accordance with the provisions of Section 1015 of this Ordinance.
- (11) The applicant shall comply with all applicable rules and regulations of the State Department of Health and Mental Hygiene.
- (12) Primary structures shall be located at least two hundred (200) feet from any adjacent residentially zoned lot.
- (13) All parking areas shall be located at least fifty (50) feet from any adjacent residentially zoned lot.
- (14) The applicant shall make provisions to ensure safety in the area surrounding the facility which may include additional traffic control devices (i.e. signal lights, signs, pavement painting, etc.).
- (15) Sidewalks shall be constructed along any public right-of-way (except for alleys) adjacent to the site along the entire frontage(s) of the property. To the extent practicable, walkways shall be constructed on the site to tie building entrances and/or pedestrian pathway systems into existing or proposed public sidewalk systems. The Planning Commission may waive the requirement for sidewalks on a given lot if they find that pedestrian circulation is adequately addressed without them. In such circumstances

1 the requirement shall not be simply waived, but rather it may be satisfied
2 by either the payment of a fee-in-lieu of constructing the sidewalk (which
3 shall be based on the Town of Easton's estimate of the cost of constructing
4 a sidewalk on the site in question) or the construction of a comparable
5 length sidewalk on another site (or a combination of the two options) and
6 dedication of an acceptable easement area for sidewalks for potential
7 future construction of sidewalks on the site.
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9 The standards outlined above may be modified by the Town Council upon the
10 applicant's showing that the standard would place an undue burden upon the
11 application and that compensation is provided by another means in the
12 application.
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14 H. APPLICATION PROCEDURES

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16 The following procedures shall be followed with respect to all applications for HC
17 District Zoning:
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- 19 (1) The application for HC District zoning shall be accompanied by a
20 sketch plan prepared in accordance with the provisions of Section
21 301 of this Ordinance. The preliminary development plan shall be
22 to scale and contain sufficient information to establish the identity
23 of proposed uses, grades and approximate dimensions, and
24 locations of proposed structures, streets, parking areas, walkways,
25 easements and property lines. It shall include the following
26 information:
27
 - 28 a. Proposed development layout.
 - 29 b. Proposed reservations for parks, parkways, and other open
30 spaces.
 - 31 c. Proposed location of all permitted and accessory uses
32 within the HC development areas, including all associated
33 off-street parking.
 - 34 d. Types of dwelling and portions of the area proposed
35 therefore.
 - 36 e. Proposed location of dwelling and parking areas.
 - 37 f. A tabulation of the total number of acres in the proposed
38 project and the percentage thereof designated for each of
39 the proposed dwelling types, neighborhood retail
40 businesses, other nonresidential uses, off-street parking,
41 streets, parks, schools, and other reservations.
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- g. A tabulation of overall density per gross acre (for projects with any residential component).
- h. Preliminary plans and elevations of the several dwelling types.
- i. A metes and bounds description of the area subject to the HC application.

- (2) The Planning Commission shall review the application and make a written recommendation to the Town Council. If the Planning Commission concludes that the proposed uses and their size, scale and location are not consistent with the Comprehensive Plan, the Commission shall make a negative recommendation to the Town Council citing the specific reasons why the application is inconsistent with the Plan.

If the Commission concludes that the proposal conforms to the Comprehensive Plan or is subject to reasonable modifications which will bring it into conformity with the Plan, the Commission may make recommendations to the applicant regarding changes to the proposal which, in the judgment of the Commission, shall cause the proposal to better conform to the requirements of the Comprehensive Plan and the design standards, goals and objectives of this Ordinance. The applicant may resubmit the sketch plan in consideration of the Planning Commission's comments.

If after three sketch plan submissions, the application has not received a favorable recommendation from the Planning Commission, the Commission shall make a negative recommendation to the Town Council setting forth its reasons as to why the application should not be granted.

- (3) Step III: Mayor and Town Council Action.

A. Upon receiving the written report of the Planning Commission, the Town Council shall conduct a public hearing upon the application for a HC Map amendment. The Council shall consider, but not be bound by, the recommendations and comments of the Planning Commission. The Town Council shall make written findings of fact with regard to the following matters:

- 1. Whether the proposed HC development conforms to all applicable standards set out in this Ordinance for such uses, structures and projects;

2. Whether the proposed HC development conforms to the Town's Comprehensive Plan, including those provisions of the Comprehensive Plan relating to the design and location of commercial projects of a nature similar to those proposed in the application;
3. Whether the proposed HC development, in conjunction with existing and reasonably anticipated development in the neighborhood surrounding the site for the proposed HC, will not interfere with the adequate and orderly provision of public services to the area;
4. Whether the proposed HC development, in conjunction with existing and reasonably anticipated development in the neighborhood surrounding the site for the proposed HC development, will not cause unacceptable traffic congestion or hazards either in or near the site for the proposed HC development or elsewhere in the Town or Talbot County;
5. Whether the proposed HC development is planned in such a manner as to protect features of historical, cultural, or ecological importance;
6. Whether the proposed HC development is compatible with existing development in the surrounding neighborhood and with development reasonably anticipated to occur in the neighborhood in terms of size, scale, design, and appearance or, if the proposed HC development is not so compatible, the proposed HC design contains adequate screening, landscaping and similar features to protect the surrounding neighborhood; and
7. Whether the proposed HC development unreasonably adversely affects the value of property in the neighborhood surrounding the site.

In making findings of fact as to the issues set forth above, there shall be no general presumption that an application for a HC use at a particular location is valid, inures to the general benefit of the Town, is compatible with surrounding uses, or is in compliance with the Town's Comprehensive Plan. Instead, each application will be evaluated according to its specific development plan in its particular location.

1 B. If the Town Council makes an affirmative finding of fact
2 as to each of the criteria listed above, the Council may enact an
3 ordinance granting the proposed HC application. The fact that an
4 application for a HC Zoning Map Amendment complies with the
5 specific requirements listed above shall not require the Town
6 Council to grant the application. The ordinance shall be subject to
7 approval by the Mayor in accordance with the provisions of the
8 Town Charter relating to mayoral vetoes. In determining whether
9 or not to enact an ordinance, the Council may consider, in addition
10 to the factors outlined above, other factors it deems appropriate
11 including but not limited to the degree to which the proposed ~~C-M~~
12 HC development:

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14 1. helps accomplish the coordinated, adjusted, and
15 harmonious development of the Town and its environs in
16 accordance with present and future needs;

17
18 2. promotes health, safety, morals, order, convenience,
19 prosperity, and general welfare; including among other
20 things, adequate provisions for traffic, the promotion of
21 public safety, adequate provision for light and air,
22 conservation of natural resources, the prevention of
23 environmental pollution, the promotion of the healthful and
24 convenient distribution of population;

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26 3. exemplifies good civic design and arrangement and the
27 stewardship of the Chesapeake Bay and the land as a
28 universal ethic;

29
30 4. encourages the conservation of resources, including a
31 reduction in resource consumption;

32
33 5. is located in at a location suitable for it given existing
34 and reasonably foreseeable development; and

35
36 6. encourages appropriate and sustainable economic
37 growth.

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39 The "change/mistake" rule, as codified in Maryland Annotated Code Article 66B Section
40 4.05 is not applicable to HC Zoning Map Amendment applications.

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42 The Town Council shall have the authority to impose conditions upon the grant of a HC
43 Zoning Map Amendment application and may require the recordation of covenants and
44 restrictions, in a form approved by the Town Attorney, to assure compliance with said
45 conditions or with any of the provisions of the Ordinance.
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1 Approved HC Zoning Map Amendment applications shall require the execution of a
2 Public Works Agreement outlining the standards and responsibilities associated with the
3 public works for the proposed project. Such agreement shall be prepared in a format
4 acceptable to the Town Attorney.

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6 If the Town Council fails to enact an ordinance granting the HC application, no
7 application for a HC Zoning Map Amendment will be accepted for filing by the Town for
8 a period of one year after the date of the Council's decision or the date of finality of any
9 judicial review of the Council's decision, whichever is later.

10
11 Town Council approval of HC projects shall expire after two (2) years if the applicant
12 does not obtain the necessary site plan and/or subdivision approval, or if said approval
13 itself expires. A property owner of a site subject to an approved HC District project may
14 surrender such approval upon twenty (20) days written notice to the Town Planner. In
15 such cases the zoning of said property shall revert to the Zoning it held prior to the HC
16 Zoning Approval.

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18 (4) Site Plan Review and Action. Upon Mayor and Town Council
19 approval of a HC District Zoning Map amendment, the applicant
20 shall prepare and submit a development/preliminary and a final
21 site/subdivision plan in accordance with the site plan requirements
22 specified in Subsection 301.3.B. of this Ordinance and/or the
23 requirements of the Town of Easton Subdivision Regulations. The
24 design of the preliminary and final site plan and/or subdivision
25 shall be consistent with the ordinance granting the HC application.

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27 I. AMENDMENTS TO APPROVED HC APPLICATIONS

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29 A property owner of a site subject to a HC District may request an amendment to
30 the terms and conditions of the District. Any request for an amendment shall be
31 in writing and shall include the information specified in §901.G. If the Town
32 Planner determines that the proposed amendment (1) does not involve a material
33 change to the design approved by the Town Council and (2) otherwise complies
34 with the terms of this Ordinance, the amendment request shall be approved by the
35 Town Planner. Any other amendment shall be subject to review by the Planning
36 Commission and Town Council according to the procedures set forth in this §901.